

Panaji, 18th April, 1975 (Chaitra 28, 1897)

SERIES I No. 3

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

#### Notification

LD/456/75

The following notifications received from the Government of India, Ministry of Works and Housing New Delhi, are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 31st March, 1975.

### GOVERNMENT OF INDIA MINISTRY OF WORKS AND HOUSING

#### Notification

New Delhi, the 27th February 1975

G. S. R. 58(E). — In exercise of the powers conferred by section 63 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) the Central Government after consultation with the Central Board for the Prevention and Control of Water Pollution, hereby makes the following rules, namely: —

#### CHAPTER 1

##### Preliminary

1. Short title and commencement. — (1) These rules may be called the Water (Prevention and Control Pollution) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. — In these rules unless the context otherwise requires:

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974;

(b) "Chairman" means the Chairman of the Central Board;

(c) "Central Board Laboratory" means a laboratory established or recognised as such under sub-section (3) of section 16;

(d) "Central Water Laboratory" means a laboratory established or specified as such under sub-section (1) of section 51;

(e) "Form" means a form set out in Schedule I;

(f) "Member" means a member of the Central Board and includes the Chairman thereof;

(g) "Member-Secretary" means the Member-Secretary of the Central Board;

(h) "Section" means a section of the Act;

(i) "Schedule" means a schedule appended to these rules;

(j) "Year" means the financial year commencing on the first day of April.

#### CHAPTER 2

##### Terms and conditions of service of the members of the Central Board and of Committees of Central Board

3. Salaries, allowances and other conditions of service of the Chairman. — (1) The Chairman shall be paid a fixed monthly salary of Rs. 3000/-.

(2) The other terms and conditions of service of the Chairman, including allowances payable to him, shall be such as may be specified in his order of appointment and in the absence of being so specified, such terms and conditions shall be, as far as may be, the same as are applicable to a Grade I Officer of corresponding status of the Central Government.

(3) Notwithstanding anything contained in sub-rules (1) and (2), where a Government servant is appointed as Chairman, the terms and conditions of his service shall be such as may be specified by the Central Government from time to time.

4. Salaries, allowances and other conditions of service of Member-Secretary. — (1) The Member-Secretary shall be paid a monthly pay in the scale of Rs. 2250-125-2500.

(2) The other terms and conditions of service of the Member-Secretary including allowances payable to him, shall be, as far as may be, the same as are applicable to a Grade I Officer of corresponding status of the Central Government.

(3) Notwithstanding anything contained in sub-rules (1) and (2) where a Government servant is appointed as Member-Secretary, the terms and conditions of his service shall be such as may be specified by the Central Government from time to time.

**5. Terms and conditions of service of members of the Central Board.** — (1) Non-official members of the Central Board resident in Delhi shall be paid an allowance of rupees fifty per day for each day of the actual meetings of the Central Board.

(2) Non-official members of the Central Board, not resident in Delhi shall be paid an allowances of rupees seventy five per day (inclusive of daily allowance) for each day of the actual meetings of the Central Board and also travelling allowance at such rate as is admissible to a Grade I officer of the Central Government:

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and travelling allowance will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

**6. Fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9.** — A member of a committee of the Central Board shall be paid in respect of meetings of the committee travelling and daily allowances, if he is a non-official, at the rates specified in rule 5, as if he were a member of the Central Board and, if he is a Government servant, at the rates, admissible under the relevant rules of the respective Government under whom he is serving.

### CHAPTER 3

#### **Powers and duties of the Chairman and Member Secretary and appointments of Officers and Employees**

**7. Powers and duties of the Chairman.** — (1) The Chairman shall have overall control over the day-to-day activities of the Central Board.

(2) (i) The Chairman may undertake tours within India for carrying out the functions of the Central Board:

Provided that he shall keep the Central Government (Secretary to the Ministry of Works and Housing) and the Central Board, informed of his tours.

(ii) The Chairman may, with the prior approval of the Central Government, visit any country outside India.

(3) Subject to rules, if any, made under sub-section (3) of section 12, the Chairman shall have full powers in matters of promotion, confirmation, transfer and termination of service of the officers and employees of the Board.

(4) In the matter of acceptance to tenders, the Chairman shall have full powers subject to the concurrence of the Central Board:

Provided that no such concurrence is required for the acceptance of tenders upto an amount of rupees one thousand in each case.

(5) Subject to overall sanctioned budget provision, the Chairman shall have full powers to administratively approve and sanction all estimates.

**8. Creation and abolition of posts.** — The Central Board may create such posts as it considers neces-

sary for the efficient performance of its functions and may abolish any post, so created:

Provided that for the creation of, and appointments to, posts, the maximum of the scale of which is above Rs. 1,600 per month, the Central Board shall obtain prior sanction of the Central Government.

**9. Powers and duties of the Member-Secretary.** — The Member-Secretary shall be subordinate to the Chairman and shall, subject to the control of the Chairman, exercise the following powers, namely: —

(1) The Member-Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for preserving them.

(2) The Member-Secretary shall produce such papers whenever so directed by the Chairman or by the Central Board.

(3) The Member-Secretary shall make available to any member of the Central Board, for his perusal, and record of the Board.

(4) The Member-Secretary shall be entitled to call for the services of any officer or employee of the Central Board, and files, papers and documents for study from any department of the Board, as also to carry out inspection of any department at any time including checking of accounts, vouchers, bills and other records and stores pertaining to the Board or regional offices thereunder.

(5) The Member-Secretary may withhold any payment:

Provided that as soon as may be after such withholding of payment the matter shall be placed before the Central Board for its approval:

(6) The Member-Secretary shall make all arrangements for holding meetings of the Central Board and meetings of the Committees constituted by the Central Board.

(7) All orders or instructions to be issued by the Central Board shall be over the signature of the Member-Secretary or of any other officer authorised in this behalf by the Chairman.

(8) The Member-Secretary shall authorise, sanction or pass all payments against allotments made or estimates sanctioned.

(9) The Member-Secretary shall write and maintain confidential reports of all Class I and Class II officers of the Central Board and shall get them countersigned by the Chairman.

(10) The Member-Secretary shall countersign the confidential reports of all the Class III employees of the Central Board.

(11) (i) The Member-Secretary shall sanction the annual increments of Class I and Class II officers of the Central Board:

Provided that the increment of Class I and Class II officers shall be withheld only with the approval of the Chairman.

(ii) The annual increments of other employees of the Central Board not referred to in clause (i) shall be sanctioned by officers authorised in this behalf by the Member-Secretary.

(12) The Member-Secretary shall have full powers for according technical sanction to all estimates.

(13) The Member-Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Board or by the Chairman.

#### CHAPTER 4

##### Temporary Association of Persons with Central Board

**10. Manner and purpose of association of persons with Central Board.** — (1) The Central Board may invite any person, whose assistance or advice it considers useful to obtain in performing any of its functions, to participate in the deliberations of any of its meetings.

(2) If the person associated with the Board under sub-rule (1) happens to be a non-official, resident in Delhi, he shall be entitled to get an allowance of rupees fifty per day for each day of actual meeting of the Central Board in which he is so associated.

(3) If such person is non-resident in Delhi, he shall be entitled to get an allowance of rupees seventy-five per day (inclusive of daily allowance) for each day of actual meeting of the Central Board in which he is so associated and also to travelling allowance at such rates as is admissible to a Grade I Officer of the Central Government.

(4) Notwithstanding anything in sub-rules (2) and (3), if such person is a Government servant or an employee in a Government undertaking he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him.

#### CHAPTER 5

##### Consulting Engineer

**11. Appointment of consulting engineer.** — For the purpose of assisting the Central Board in the performance of its functions, the Board may appoint a consulting engineer to the Board for a specified period not exceeding four months:

Provided that the Board may, with the prior approval of the Central Government extend the period of the appointment from time to time:

Provided further that if at the time of the initial appointment the Central Board had reason to believe that the services of the consulting engineer would be required for a period of more than four months, the Central Board shall not make the appointment without the prior approval of the Central Government.

**12. Power to terminate appointment.** — Notwithstanding the appointment of a consulting engineer for a specified period under rule 11, the Central Board shall have the right to terminate the services of the consulting engineer before the expiry of the specified period, if, in the opinion of the Board, the consulting engineer is not discharging his duties properly or to the satisfaction of the Board or such a course of action is necessary in the public interest.

**13. Emoluments of the consulting engineer.** — The Central Board may pay the consulting engineer suitable emoluments or fees depending on the nature of work, and the qualifications and experience of the consulting engineer:

Provided that the Central Board shall not appoint any person as consulting engineer without the prior

approval of the Central Government if the emoluments or fees payable to him exceeds rupees two thousand per month.

**14. Tours by consulting engineer.** — The consulting engineer may undertake tours within the country for the performance of the duties entrusted to him by the Central Board and in respect of such tours he shall be entitled to travelling and daily allowances as admissible to a Grade I officer of the Central Government. He shall, however, get the prior approval of the Member-Secretary to his tour programme.

**15. Consulting engineer not to disclose information.** — The consulting engineer shall not disclose any information either given by the Central Board or obtained, during the performance of the duties assigned to him either from the Central Board or otherwise, to any person other than the Central Board without the written permission of the Board.

**16. Duties and functions of the consulting engineer.** — The consulting engineer shall discharge such duties and perform such functions as are assigned to him, by the Central Board and it will be his duty to advise the Board on all technical matters referred to him by the Board.

#### CHAPTER 6

##### Budget of the Central Board

**17. Form of budget estimates.** — (1) The budget in respect of the year next ensuing showing the estimated receipts and expenditure of the Central Board shall be prepared in Forms I, II, III and IV and submitted to the Central Government.

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, be based on the account heads specified in Schedule II.

**18. Submission of budget estimates to the Central Board.** — (1) The budget estimates as compiled in accordance with rule 17 shall be placed by the Member-Secretary before the Central Board by the 5th October each year for approval.

(2) After approval of the budget estimates by the Central Board, four copies of the final budget proposals incorporating therein such modifications as have been decided upon by the Central Board shall be submitted to the Central Government by the 15th October each year.

**19. Estimates of establishment expenditure and fixed recurring charges.** — (1) The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent, allowances, etc., shall provide for the gross sanctioned pay without deductions of any kind.

(2) To the estimates referred to in sub-rule (1) shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the members of the staff in regard to leave as far as the same can be ascertained.

(3) If experience indicates that the total estimate for fixed charges referred to in sub-rules (1) and (2) is not likely to be fully utilised, a suitable lump deduction shall be made from the total amount estimated.

**20. Re-appropriations and emergent expenditure.**—No expenditure which is not covered by a provision in the sanctioned budget estimates, or which is likely to be in excess over the amount provided under any head, shall be incurred by the Central Board without provision being made by re-appropriation from some other head under which saving are firmly established and available.

**21. Power to incur expenditure.**—The Central Board shall incur expenditure out of the funds received by it in accordance with the instructions laid down under the General Financial Rules of the Central Government and other instructions issued by that Government from time to time.

**22. Operation of fund of the Central Board.**—The fund of the Central Board shall be operated by the Member-Secretary of the Central Board or in his absence by any officer of the Central Board who may, subject to the approval of the Central Government, be so empowered by the Central Board.

**23. Saving.**—Nothing in this Chapter shall apply to a budget already finalised before the commencement of these rules.

#### CHAPTER 7

##### Annual Report of the Central Board

**24. Form of annual report.**—The annual report in respect of the year last ended giving a true and full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in the Schedule III and shall be submitted to the Central Government by the 15th of May each year.

#### CHAPTER 8

##### Account of the Central Board

**25. Form of annual statement of accounts of the Central Board.**—The annual statement of accounts of the Central Board shall be, in Forms V to IX.

#### CHAPTER 9

##### Report of Central Board Analyst

**26. Form of report of Central Board Analyst.**—When a sample of any water, sewage or trade effluent has been sent for analysis to a laboratory established or recognised by the Central Board, the Central Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit to the Central Board a report in triplicate in Form X of the result of such analysis.

#### CHAPTER 10

##### Central Water Laboratory

**27. Functions of the Central Water Laboratory.**—The Central Water Laboratory shall cause to be analysed any samples of water, sewage or trade effluent received by it from any officer authorised by the Central Board for the purpose, and the findings shall be recorded in triplicate in Form XI.

**28. Fees for report.**—The fees for each such report shall be such as may be notified by the Central Government from time to time.

#### CHAPTER 11

##### Powers and Functions of the Central Board in Relation to Union Territories

**29. Central Board to act as the State Board for Union Territories.**—The Central Board shall act as the State Board for Union territories under sub-section (4) of section 4.

**30. Power to take samples.**—The Central Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well in any Union territory.

**31. Form of notice.**—A notice under clause (a) of sub-section (3) of section 21 shall, in the case of a Union territory, be in Form XII.

**32. Application for consent.**—An application for obtaining the consent of the Central Board for bringing into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or begin to make any new discharge of sewage or trade effluent into a stream or well under section 25, or for continuing an existing discharge of sewage or trade effluent into a stream or well under section 26 shall be made to the Central Board in Form XIII.

**33. Procedure for making inquiry into application for consent.**—(1) On receipt of an application for consent under section 25 or section 26, the Central Board may depute any of its Officers, accompanied by as many assistants as may be necessary, to visit the premises of the applicant, to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may, for that purpose, inspect any place where water or sewage or trade effluent is discharged by the applicant, or treatment plants, purification works or disposal systems of the applicant and may require the applicant to furnish to him any plans, specifications and other data relating to such treatment plants, purification works or disposal systems or any part thereof, that he considers necessary.

(2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub-rule (1) above, give notice to the applicant of his intention to do so in Form XIV. The applicant shall furnish to such officer all facilities that such officer may legitimately require for the purpose.

(3) An officer of the Central Board may, before or after carrying out an inspection under sub-rule (1) above, require the applicant to furnish to him, orally or in writing such additional information or clarification, or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for that purpose, summon the applicant or his authorised agent to the office of the Central Board.

[Q15015/49/74EPC]

N. D. JAYAL, Jt. Secy.

## SCHEDULE I

## FORM I

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Detailed Budget Estimates for the year 19

(See rule 17)

Administration

(Expenditure)

Head of Account	Actuals for the past three years			Sanctioned estimate for the current year 19	Actuals of last six months i.e. year 19-19	Actuals of six months of the current year 19	Revised estimate for the current year 19	Budget estimate for the next year 19	Variations between columns 5 and 8	Variation between columns 8 and 9	Explanation for columns 10 and 11
	19	19	19								
1	2	3	4	5	6	7	8	9	10	11	12

## FORM II

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Establishment

Statement of details of provision proposed for pay of officers/Establishment for the year 19 -19

(See rule 17)

1	2	3			4	5			6	7
Name and designation	Reference to page of estimate form	Sanctioned Pay of the Post			Amount of provision for the year at the rate in column 3(c)	Increment falling due within the year			Total provision for the year i.e. total of columns 4 & 5 (c)	Remarks
		Mini	Maxi.	Actual pay of the person concerned due on 1st April Next year		Date of increment (a)	Rate of increment (b)	Amount of increment for the year (c)		
		(a)	(b)	(c)						

## FORM III

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Nominal Rolls

(See rule 17)

R.E. 19 -19 /B.E. 19 -19

Name and designation	Pay	Dearness allowance	City Compensatory allowance	House rent allowance	Over-time Allowance	Children Educational Allowance	Leave travel concession	Other Allowances	Total
1	2	3	4	5	6	7	8	9	10

Total ...

## FORM IV

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Abstract of Nominal Rolls

(See rule 17)

Actual sanctioned strength as on 1st March, 19	Particulars posts	Sanctioned Budget Grant 19 -- 19		Revised Estimates -- 19		Budget Estimates -- 19		Explanation for the difference between sanctioned Budget Grant, Revised Estimates and Budget Estimates.
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9

## I Officers

- (a) Posts filled  
(b) Posts vacant

## Total I Officers

## II Establishment

- (a) Posts filled  
(b) Posts vacant

## Total II Establishment

## III Class IV

- (a) Posts filled  
(b) Posts vacant

## Total III Class IV

Grand Total — I, II and III.

## FORM V

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Receipts and Payments for the year ended  
(See rule 25)

Previous year	Receipts	Previous year	Payments
(1)	(2)	(3)	(4)
Opening Balance		1. Capital Expenditure ...	
I. Grants received ...		(i) Works ...	
(a) from Government ...		(ii) Fixed Assets ...	
(b) from other agencies ...		(iii) Other Assets ...	
II. Fees.		(a) Laboratory Equipment	
		(b) Vehicles	
		(c) Furnitures and Fixtures	
		(d) Scientific Instruments and Office Appliances.	
		(e) Tools and Plant	
		2. Revenue Expenditure ...	
		(A) Administrative ...	
		(i) Pay of Officers ...	
		(ii) Pay of Establishment	
		(iii) Allowances and Honoraria	
		(iv) Leave Salary and Pension Contributions ...	
		(v) Contingent Expenditure ...	
III. Fines and Forfeitures.		Deduct Recoveries ...	
IV. Interest on investments.			
V. Miscellaneous Receipts.		(B) (i) Board Laboratory.	
VI. Miscellaneous Advances.		(ii) Charges to be paid to the Central Water Laboratory.	
VII. Deposits.		(C) Running and Maintenance of vehicles ...	
Total		(D) Maintenance and Repairs	
		(i) Buildings and land Drainage including rents, if any ...	
		(ii) Works ...	
		(iii) Furniture and Fixtures ...	
		(iv) Scientific Instruments and Office Appliances ...	
		(v) Tools and Plants ...	
		(vi) Temporary works (including maintenance and repairs) ...	
		(E) Fees to Consultants and Specialists ...	
		(F) Law charges ...	
		(G) Miscellaneous ...	
		(H) Fees for Audit ...	
		3. Purchases ...	
		4. Miscellaneous ...	
		5. Advances ...	
		6. Deposits ...	
		Closing Balance ...	
		Total ...	
Accounts Officer	Member Secretary	Chairman	

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

## Annual Statement of Account

Income and Expenditure Account for the year ended 31st March, 19

(See rule 25)

Expenditure				Income			
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major head
1	2	3	4	5	6	7	8
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.
To				By			
REVENUE EXPENDITURE				(I) GRANTS RECEIVED			
(A) Administrative:				(a) From Govt.			
(i) Pay of Officers				(b) From other agencies.			
(ii) Pay of establishment				Total:			
(iii) Allowances & Honoraria				Less:			
(iv) Leave salary and Pension Contributions				Amount utilised for Capital expenditure.			
(v) Board's Contribution to the staff Provident Fund				Net grant available for Revenue expenditure.			
(vi) Contingent expenditure				(II) Fees.—			
Deduct Recoveries.				(III) Service Rental charges.			
(B) Running expenses of Laboratories:				(IV) Fines and Forfeitures.			
(i) Main Laboratory				(V) Interest on investments.			
(ii) Payments to be made to Central Water Laboratory				(VI) Miscellaneous Receipts.			
(C) Running and Maintenance of Vehicles				(VII) Excess of expenditure over income.			
(D) Maintenance and Repairs:				Total			
(i) Buildings and Land Drainage							
(ii) Works							
(iii) Furniture and Fixtures							
(iv) Scientific instruments and office appliances.							
(v) Tools and plant.							
(E) Temporary works (Including Maintenance and Repairs)							
(F) Fees to Consultants and Specialists.							
(G) Law Charges.							
(H) Depreciation:							
(i) Buildings.							
(ii) Laboratory Equipment.							
(iii) Vehicles.							
(iv) Furniture and Fixtures.							
(v) Scientific instruments and office appliances.							
(vi) Tools and plants.							
(I) Miscellaneous:							
(i) Write off of losses (as per details in the statement attached).							
(ii) Other miscellaneous expenditure.							
(J) Fees for Audit.							
(K) Excess of Income over expenditure.							
Total							
Accounts Officer				Member-Secretary			
				Chairman.			

## FORM VII

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

## Annual Statement of Accounts

Balance Sheet as at 31st March, 19

(See rule 25)

Capital and Liabilities				Property and Assets			
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major head
1	2	3	4	5	6	7	8
<b>A — Capital Fund —</b>				<b>1. Works —</b>			
(i) Grants received from Govt. for Capital expenditure				(As per Form VIII)			
(a) Amount utilised upto 31st March 19....				<b>2. Fixed Assets</b>			
(b) Unutilised balance on 31st March 19...				(As per Form IX)			
(ii) Grant from other agencies for Capital expenditure.				(a) Value of land provided by Govt. (at cost).			
(a) Amount utilised upto 31st March 19...				(b) Buildings —			
(b) Unutilised balance on 31st March 19...				Balance as per last Balance sheet			
(iii) Value of land provided by Govt. (per contra).				Additions during the year			
<b>B — Capital Receipts —</b>				Total			
<b>C — (i) Deposits received for works from outside bodies —</b>				Less:			
Deposits — ..				Depreciation during the year			
Less Expenditure — ..				Total			
(ii) Other deposits — ..				<b>3. Other Assets —</b>			
<b>D — Amounts due —</b>				(As per Form IX)			
(i) Purchases				(a) Laboratory Equipment as per last Balance sheet.			
(ii) Others				Additions during the year.			
<b>E — Excess of income over expenditure —</b>				Total			
(i) upto 31st March 19				Less:			
(ii) Add for the year				Depreciation during the year			
(iii) Deduct—Excess of Expenditure over income.				Total			
				(b) Vehicles as per last balance sheet.			
				Additions during the year.			
				Total			
				Less Depreciation during the year.			
				Total			
				(c) Furniture and Fixtures.			
				As per last Balance Sheet.			
				Additions during the year.			
				Total			
				Less Depreciation during the year			
				Total			
				(d) Scientific Instruments and Office Appliances —			
				As per last Balance Sheet			
				Additions during the year			
				Total			



1	2	3	4	5	6	7	8
				(e) Tools and Plants —			
				As per last Balance Sheet			
				Additions during the year			
				Total			
				Less Depreciation during the year.			
				Total			
				4. Sundry Debtors —			
				(i) Amounts due from outside bodies for expenditure incurred —			
				Expenditure . . . . .			
				Less amount received.			
				(ii) Other Sundry Debtors.			
				5. Advances —			
				(a) Miscellaneous Advances.			
				(b) Other amount recoverable.			
				Cash —			
				(a) Notice/Short Term Deposits.			
				(b) Cash at Bank			
				(c) Cash in hand			
				(d) Cash in transit			
Total				Total			

Accounts Officer

Member-Secretary

Chairman

FORM VIII

CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Annual Statement of Accounts

Expenditure on works as on 31st March 19

(Item I-Assets of the Balance Sheet)

(See rule 25)

Sl. No.	Name of work	Upto 31st March 19			During the year 19			Upto 31st March 19		
		Direct expenditure	Overhead charges	Total expenditure	Direct expenditure	Overhead charges	Total expenditure	Direct expenditure	Overhead charges	Total expenditure
Total										

Accounts Officer

Member Secretary

Chairman

FORM IX

CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Annual Statement of Accounts

Fixed Assets as on 31st March, 19 (Item 2 Assets of the Balance Sheet).

Other Assets as on 31st March, 19 (Item 3 Assets of the Balance Sheet).

(See rule 25)

Sl. No.	Particulars of Assets	Balance as on 31st March 19	Additions during the years	Total	Depreciation during the year	Sales or write off during the year	Balance as on 31st March 19	Cumulative Depreciation as on 31st March 19

Account Officer

Member-Secretary

Chairman

## FORM X

## REPORT BY THE CENTRAL BOARD ANALYST

(See rule 26)

Report No. ...

Date the ... 19...

I hereby certify that I, (I) ... Central Board analyst duly appointed under sub-section (3) of section 53 of the Water (Prevention and Control Pollution) Act, 1974 (6 of 1974) received on the (II) ... day of ... 19... from (III) ... a sample of ... for analysis. The sample was in a condition fit for analysis reported below.

I further certify that I have analysed the aforementioned sample on (IV) ... and declare the result of the analysis to be as follows:—

(V) ...

The condition of the seals, fastening and container on receipt was as follows:—

...

Signed this ... day of ... 19...

(Signature)

Central Board analyst

Address ...

...

To

...

...

(I) Here write the full name of the Central Board analyst.

(II) Here write the date of receipt of the sample.

(III) Here write the name of the Board or person or body of persons or officer from whom the sample was received.

(IV) Here write the date of analysis.

(V) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

## FORM XI

## REPORT BY THE GOVERNMENT ANALYST

(See rule 27)

Report No. ...

Date the ... 19...

I hereby certify that I, (I) ... Government analyst duly appointed under sub-section (1) of section 53 of the Water (Prevention and Control Pollution) Act, 1974 (6 of 1974) received on the (II) ... day of ... 19... from (III) ... a sample of ... for analysis. The sample was in a condition fit for analysis reported below.

I further certify that I have analysed the aforementioned sample on (IV) ... and declare the result of the analysis to be as follows:—

(V) ...

The condition of the seals, fastening and container on receipt was as follows:—

Signed this ... day of ... 19...

(Signature)

Government analyst

Address ...

...

To

...

...

(I) Here write the full name of the Government analyst.

(II) Here write the date of receipt of the sample.

(III) Here write the name of the Board or person or body of persons or officer from whom the sample was received.

(IV) Here write the date of analysis.

(V) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

## FORM XII

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

## Notice of intention to have sample analysed

(See rule 31)

To

...

...

...

Take notice that it is intended to have analysed the sample of water/sewage effluent/trade effluent which is being taken today the ... day of ... 19... from (1)

...

...

...

Name and designation of the person who takes the sample

(1) Here specify the stream, well, plant, vessel or place from where the sample is taken.

To

...

...

...

## FORM XIII

To be submitted in triplicate

## Application for consent for discharge/continuation of discharge under section 25/26 of the Act

(See rule 32)

## Application for consent for discharge/continuation of discharge

From:

Date:

To

The Member Secretary,

The Central Board for the Prevention and Control of Water Pollution.

New Delhi.

Sir,

I/we apply for CONSENT under Section 25/Section 26 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974)\* to bring into use any new or altered outlet for the discharge of \* sewage/trade effluent\* to begin to make new discharge of \* sewage/trade effluent or\* continue to make discharge of \* sewage/trade effluent from land/premises owned by (1) ... for a period up to (2) ...

(a) Sewage/Sullage via drains/outfall sewers/treatment works.

(b) Trade effluent via drains/outfall sewers/treatment works.

(c) Solid wastes into (3)

(i) Stream .../River OR

(ii) On land for irrigation, bearing Survey No. ... adjoining/ at a distance of ... stream/River OR

(iii) Lake, Pond adjoining/at a distance of stream/ /River OR

(iv) Directly on land for open percolation into subterranean strata of Survey No. ... adjoining/at a distance of ... stream/River OR

- (v) Tidal waters estuarine waters known as ... OR  
(vi) Sea along/off the shore shown as ...

2. The annexure, appendices other particulars and plans in triplicate are attached herewith.

3. I/We further declare that the information furnished in the Annexure, appendices, and plans is correct to the best of my/our knowledge.

4. I/We hereby submit that in case of change either of the point or the quantity of discharge or its quality, a fresh application for CONSENT shall be made and until such CONSENT is granted no change shall be made.

5. I/we hereby agree to submit to the Central Board an application for renewal of consent one month in advance of the date of expiry of the consented period for outlet/discharge, if to be continued thereafter.

6. I/We undertake to furnish any other information within one month of its being called by the Central Board.

Yours faithfully,

Signature ...

Name of Applicant ...

Address of Applicant ...

Accompaniments:

\*Note: — Strike out entries not relevant.

Outlet/Discharge

Annexure to FORM XIII  
Existing  
New/Altered

Note: — Any applicant knowingly giving incorrect information or suppressing any information pertaining thereto shall be liable to be punished under the Act.

While filling this Annexure the applicant not concerned with any of the item shall state «No concerned» against the relevant one: —

- Full Name of Applicant ...  
with Address ...  
(Tel. No. ...)
- Full name of land/premises/institute/factory industry/local Body; with address ...  
(Tel. No. ...)  
(Telegraphic address)
- Give revenue/city survey number of land/premises for which the application is made stating District, Taluka and Village.  
District ...  
Taluka ...  
Town ...  
Village ...  
City Survey No./Mauza No. ...  
Area in Hectares ...  
Revenue Survey No. ...  
Area in Hectares ...
- State month and year in which the land/premises/institute/factory/industry was actually put into commission or is proposed to be put into commission or the month and year from which the local Body is functioning.
- State the Civil/Military/Defence/Industrial Estate etc. under whose administrative jurisdiction the applicant's land/premises is situated.  
Collectorate ...  
Corporation ...  
Municipality ...  
Village Panchayat ...  
Cantonment ...  
Defence Department ...  
Port Trust ...  
State Government ...  
Prohibited Area ...
- (a) State whether the land/premises/industry/factory/industry has been declared as prohibited areas.  
YES/NO  
(b) If yes, state the name of the authority and

furnish a certified copy of the order under which the area has been declared as prohibited areas.

7. Is the industry/factory for which application is made closed on Sunday/Holiday.

YES/NO

8. State working season per year for the industry/factory.

Full year

from to  
from to  
from to  
... every year.

9. (a) No. of workers attending the factory.

Shift No. 1 Hrs.	Shift No. 2 Hrs.	Shift No. 3 Hrs.	General Shift Hrs.

(b) No. of workers residing in the premises.

10. (For local Bodies only).

(a) Present Population.

(b) Population covered under regular sewerage facilities.

(c) Population covered by conservancy latrines.

(d) Population having septic tank/pit privy facilities.

11. (a) Give the list of raw materials such as metals, alloys, chemicals, oils, fuels, etc. used per month in Metric Tons: —

Metal and Alloy			Name/Weight
Chemicals	Inorganic	Dyes	Name/Weight
	organic	Pesticides	
Oils and Grease			Name/Weight
Fuels:	(a) Wood		Name/Weight
	(b) Coal		Name/Weight
	(c) Oil		Name/Weight
	(d) Gases		Name/Weight
	(e) Other		Name/Weight

(b) Give the list of Name of Products and by-products manufactured per month in (MT).  
S. No./Name of Products/  
/Qnt. in Mt. per month.

(c) Give the list of possible intermediate products.

12. State daily quantity of water in litres Utilised.

USES

(Domestic/Industrial/Agriculture/Other)

13. (a) State the hourly maximum and daily maximum quantity of effluents arising from land/premises for which the application is made.

(in litres)

(Hours Maximum/Daily Maximum)

i) Domestic

ii) Industrial

iii) Agriculture

iv) Other use

v) Total quantity of effluent.

- (b) State how measurements of rate and quantity are carried out;
14. State whether storm water drains are kept separate from Industrial/Domestic effluents ... YES/NO
15. (a) Is domestic effluent allowed to get mixed in Industrial effluent YES/NO  
(b) If, yes, state ratio ... Domestic/Industrial
16. (a) Describe if any treatment industrial or domestic effluent or one for combined effluent is made ... YES/NO  
If yes, state the process of treatment in brief (separately).  
(b) Is the quality of effluent emanating either without or after treatment approved by any authority ... YES/NO  
(c) if approved, furnish the authority ... (two certified copies to be sent).
16. (A) Is any effluent from any shop/shops toxic? If so, volume of this effluent.
17. Is there any provisions for disposal of ... Already made Proposed to be made  
(a) Domestic effluent in public underground sewer ... Yes/No Yes/No  
(b) Industrial effluent in public underground sewer ... Yes/No Yes/No  
(c) Give the name public authority owning the sewer ...
18. Is there any provision for disposal of ... Already made Proposed to be made  
(a) Domestic effluent overland for Irrigation Yes/No Yes/No  
(b) Industrial effluent overland for Irrigation Yes/No Yes/No  
(c) Domestic effluent in the underground strata Yes/No Yes/No  
(d) State the area of land used for (a) above in hectares.  
(e) State the area of land used for (b) above, in hectares.
19. Give quantitative disposal of effluent in litres provided for the places mentioned below.
- |                               | Domestic | Industrial | Mixed |
|-------------------------------|----------|------------|-------|
| (i) Stream/River              |          |            |       |
| (ii) On lands for irrigation. |          |            |       |
| (iii) On land percolation.    |          |            |       |
| (iv) Lake/Pond.               |          |            |       |
| (v) Tidal waters.             |          |            |       |
| (vi) Estuarine waters.        |          |            |       |
| (vii) Open sea.               |          |            |       |
20. Is there any provision for equalizing OR holding lagoons for

tanks to store the effluents during unfavourable stream or tidal conditions.

- (i) Domestic effluent.  
(ii) Industrial effluent.  
(iii) Combined effluent.

21. Is sufficient land available/can be made available in case pumping effluent on lands have to be considered

Yes/No

22. (a) Give details of composition of Domestic/Industrial/Combined effluents in respect of the following:—

Effluent before treatment			Effluent after treatment		
At Max. Dis.	At Min. Dis.	At Ave. Dis.	At Max. Dis.	At Min. Dis.	At Ave. Dis.
1	2	3	1	2	3

- (i) pH  
(ii) Colour-units.  
(iii) Temperature\* C  
(iv) Suspended Solids  
(a) Total mg/l.  
(b) Fixed mg/l.  
(c) Volatile mg/l.  
(v) Dissolved Solids  
(a) Total mg/l.  
(b) Fixed mg/l.  
(c) Volatile mg/l.  
(vi) Total Volatile solids mg/l.  
(vii) Ammonical Nitrogen (mg/l) N.  
(viii) Nitrates (mg/l.) N.  
(ix) Dissolved Oxygen mg/l.  
(x) B.O.D. 5 days 20° C mg/l.  
(xi) C.O.D. mg/l.  
(xii) Oil and Greases mg/l.  
(xiii) Chloride, mg/l (as Cl)  
(xiv) Phosphates (P) mg/l.  
(xv) Phenolic compounds mg/l (as Phenol).  
(xvi) Cyanides (as CN), mg/l.  
(xvii) Sulphides (as S), mg/l.  
(xviii) Sulphates (as SO<sub>4</sub>), mg/l.  
(xix) Insecticides mg/l.  
(xx) Total residual-chlorine (as Cl<sub>2</sub>), mg/l.  
(xxi) Fluoride (as F), mg/l.  
(xxii) Boron (as B), mg/l.  
(xxiii) Arsenic (as As), mg/l.  
(xxiv) Barium (as Ba), mg/l.  
(xxv) Percent Sodium.  
(xxvi) Cadmium (as Cd), mg/l.  
(xxvii) Copper (as Cu), mg/l.

- (xxviii) Lead as (Pb),  
mg/l.
- (xxix) Chromium  
(a) as Cr (mg/l).  
(b) Hexa-Valency  
(as Cr) mg/l.
- (xxx) Mercury (as Hg),  
mg/l.
- (xxxi) Nickel (as Ni)  
mg/l.
- (xxxii) Selenium (as Se)  
mg/l.
- (xxxiii) Silver (as Ag)  
mg/l.
- (xxxiv) Zinc (as Zn),  
mg/l.
- (xxxv) Any other me-  
tals, mg/l.
- (xxxvi) Calcium Chlo-  
roform Extracts.
- (xxxvii) Pesticides  
(mg/l).
- (xxxviii) Caliform  
organisms.  
MPN per 100 ml  
(monthly aver-  
age)
- (xxxix) Bioassay for  
Toxic constituents.  
TL 50 (96 hours).

Note:— (1) Furnish a copy of the analysis report of re-  
presentative samples carried out by a competent laboratory.

(2) Methods of determination as approved by the Board  
will be followed for determination of above mentioned para-  
meters.

22. (b) Is the effluent toxic? Yes/No

(c) State if the industrial ef-  
fluent is having

i) Unpleasant smell Yes/No

ii) Irritating and/or harmful Yes/No

iii) Corrosive Yes/No

iv) With colour Yes/No

(d) Is there any sudden change  
of temperature exceeding  
10° C at any time.

23. (a) Are facilities available with  
the applicant for carrying  
out the following tests of  
the waste waters.

	Existing	Proposed
--	----------	----------

i) Physical	Yes/No	Yes/No
-------------	--------	--------

ii) Chemical	Yes/No	Yes/No
--------------	--------	--------

iii) Bacteriological	Yes/No	Yes/No
----------------------	--------	--------

iv) Toxicological	Yes/No	Yes/No
-------------------	--------	--------

(b) If yes, details of equipment

24. Has the Land/premises etc. for  
which application is made,  
open?

Highly polluting matter

Toxic	Organic	Inorganic	Micro- biological
-------	---------	-----------	----------------------

- (a) Cooling  
Tanks  
(b) Mixing  
Tanks  
(c) Mixing  
Ponds  
(d) Re-cir-  
culation  
wells.

which  
contain

Des.	Quant.	Method of collection	Method of disposal
------	--------	-------------------------	--------------------------

25. State details for  
solid wastes.  
Seasonal waste.  
Spillage.  
Rejected materials.

Signature ...

Name and add. of the applicant on  
behalf of ...

Name and add. of the firm ...

#### Accompaniments.

Flow sheet of effluents.

#### EXPLANATORY NOTES FOR FILLING IN FORM XIII AND THE ANNEXURE

The notes are given only for those items for which expla-  
nation is considered desirable. Other items are self expla-  
natory.

#### Form XIII

(1) Here mention the name of the owner of the land/  
premises if other than the applicant industry or factory. If  
the land/premises belongs to the factory/industry, say self.

(2) Here mention the date up to which the consent is  
sought for.

(3) Here mention the local name of the river/stream  
tidal water/sea as may be applicable *Annexure Form XIII*.

"Outlet"—means the arrangement for discharge of the  
effluent for which the consent is sought for.

"Discharge"—means the effluent going out of the outlet.

"Existing"—means that which is in operation at the time  
of applying for consent.

"New"—means that which will be brought into operation  
in future.

"Altered"—means that which has been modified due to  
change in quantity and/or quality of discharge, arrangement  
and/or point of discharge etc.

Item 1.—Here give the name of the person who is autho-  
rised by the Institution/Industry/Factory/Local Body etc.  
to transact their business.

Item 2.—Here give the registered name of the Institution/  
Factory/Industry etc. under which the business is carried out.

Item 5.—Here state the concerned institution such as  
Bureau of Public Enterprises, under whose administrative  
control the Factory/Industry etc. is set up.

Item 6.—Applicable to only those areas which are prohi-  
bited areas, such as the Ordnance factories, Mint, etc.

Item 13(B).—State the method of measurement of hourly/  
daily maximum quantity of effluent i. e. by flow meters,  
Venturi meters V notch sump measurements, or approxima-  
tely estimated etc.

Item 16(a).—If the effluent is treated, give separately  
the method of treatment and flow diagram of the treat-  
ment process.

Item 16(b).—Here mention «yes» if any other authority  
such as the local body, or Govt. department has already  
approved the discharge of effluent either with or without  
treatment, at the time of establishment of the factory/  
industry.

Item 19.—Here give the quantity of effluent of different  
types such as domestic, industrial or mixed etc. proposed to  
be or is let into the stream/river, lands, sea etc. as may be  
applicable.

Item 22(a).—Analysis to be furnished shall cover as many  
Para-meters as are expected to be found, in the effluent. If  
some of the parameters are not expected to be found, say  
not applicable. If some other parameters than those listed  
under the items are expected, the same may be mentioned at  
the end. The analysis shall be separately furnished for do-  
mestic/industrial and combined effluents.

22(b).—Here toxicity means that which is established by  
bio-assay studies on fish, as per procedure given in the  
Standard Methods.

Item 24. — This item is meant to cover such highly polluting substances which do not ordinarily find way in the effluents, but are required to be handled in the premises, and which may, by accident, join the effluent in large quantities.

## FORM XIV

## CENTRAL BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION

## Notice of Inspection

[See Rule 33(2)]

Chairman ..... Member-Secretary  
Shri ..... Shri .....  
.....  
.....  
No. ....  
To ..... Dated ....  
.....  
.....  
.....

TAKE NOTICE that for the purpose of enquiry under sections 25/26 the following officers of the Central Board namely:

- (i) Shri ...
- (ii) Shri ...
- (iii) Shri ...

and the persons authorised by the Board to assist them shall inspect the

- (a) Water Works
- (b) Sewage Works
- (c) Waste treatment Plant
- (d) Factory
- (e) Disposal system

(f) Any other parts thereof or pertaining thereto under management/control on date(s) — ... between ... hours when all facilities requested by them for such inspection should be made available to them on the site.

Take Notice that refusal or denial to above stated demand made under the functions of the Central Board shall amount to obstruction punishable under section 42 of the Act.

By order of the Board,  
Member-Secretary.

Copy to:

1. ....
2. ....
3. ....

## SCHEDULE II

## BUDGET AND ACCOUNT HEADS

[See Rule 17(3)]

## ADMINISTRATION

## Heads of Accounts (Expenditure)

1. Salaries.
2. Wages.
3. Travel Expenses.
4. Office Expenses.
  - (a) Furniture.
  - (b) Postage.
  - (c) Office Machines/Equipment
  - (d) Liveries
  - (e) Hot and cold weather charges
  - (f) Telephones
  - (g) Electricity and Water charges
  - (h) Stationery
  - (i) Printing
  - (j) Staff car and other vehicles
  - (k) Other items.

5. Fee and Honoraria.
6. Payment for professional and special services.
7. Rents, Rates and Taxes/Royalty.
8. Publications.
9. Advertising Sales and Publicity Expenses.
10. Grants in aid/Contributions/Subsidies.
11. Hospitality Expenses/Sumptuary Allowances etc.
12. Pensions/Gratuities.
13. Write off/Losses.
14. Suspenses.
15. Expenses in connection with setting up and maintenance of the Board Laboratory.
16. Other charges (A residuary head, this will also include rewards and prizes).

## Head of Account (Receipts)

1. Payments by Central Government.
2. Fees.
3. Fines and other receipts.

## SCHEDULE III

## CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Annual Report for the Financial Year April 19 to March 19 .

(See rule 24)

1. Introductory.
2. Constitution of the Central Board including changes therein.
3. Constitution of the Committee by Central Board and meetings of the Committees constitute by it.
4. Meetings of the Central Board.
5. Activities of the Central Board including the various functions performed under section 1 of the Act.
6. Prosecutions launched and convictions secured.
7. Finance and Accounts of the Central Board.
8. Visits to the Central Board by experts, important persons etc.
9. Any other important matter dealt with by the Central Board.

## Notification

New Delhi, the 10th January 1975

G. S. R. 3(E). — In exercise of the powers conferred by section 63 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Central Government after consultation with the Central Board for the Prevention and Control of Water Pollution hereby makes the following rules, namely: —

1. **Short title and commencement.** — (1) These rules may be called the Central Board for the Prevention and Control of Water Pollution (Procedure for Transaction of Business) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** — In these rules, unless the context otherwise requires, —

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(b) "Government" means the Central Government;

(c) "Chairman" means the Chairman of the Central Board;

(d) "Member" means a member of the Central Board and includes the Chairman thereof;

(e) "Member Secretary" means the Member Secretary of the Central Board;

(f) "Meeting" means a meeting of the Central Board;

(g) "Section" means a section of the Act;

**3. Notice of meetings.**—(1) Meetings of the Central Board shall ordinarily be held at Delhi on such dates as may be fixed by the Chairman.

(2) The Chairman shall, upon the written request of not less than five Members of the Central Board or upon a direction of the Central Government, call a special meeting of the Central Board.

(3) Fifteen clear days' notice of an ordinary meeting and three clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-secretary to the members.

(4) Notice of a meeting may be given to the Members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairman may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice of the Member-secretary, unless the Chairman, in his discretion, permits him to do so.

(6) The Central Board may adjourn from day to day or any particular day, and no fresh notice shall be required for any adjourned meeting.

(7) No proceeding shall be invalidated merely on the ground that the provision in this rule relating to the notice is not strictly complied with.

**4. Presiding Officer.**—Every meeting shall be presided over by the Chairman and, in his absence, by a Chairman and, in his absence, by a Chairman for the meeting to be elected by the members present from amongst themselves.

**5. All questions to be decided by majority.**—(1) All questions at a meeting shall be decided by a majority of votes of members present, and voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the presiding officer shall have a second or casting vote.

**6. Quorum.**—(1) Five members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding officer shall adjourn the meeting and if a quorum is not present on the expiration of fifteen minutes from such adjournment the presiding officer shall adjourn the meeting, to such hours on the following or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting.

(5) No fresh notice shall be required for the adjourned meeting.

**7. Minutes.**—(1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-secretary.

(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of Central Board during office hours.

**8. Maintaining order at meeting.**—The presiding officer shall preserve order at a meeting.

**9. Business to be transacted at meeting.**—Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 3, shall be transacted at any meeting.

**10. Order of business.**—(1) At any meeting business shall be transacted in the order in which it is entered in the agenda.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the meeting agrees, such a change shall take place.

**11. Procedure for transaction of business of Committees constituted by the Board.**—(1) The time and place of the meetings of the committees constituted by the Central Board under sub-section (1) of section 9 shall be as specified by the Chairman.

(2) The quorum for a meeting of a committee constituted under sub-section (1) of section 9 shall be one-half of the total number of members of the committee.

(3) Subject to sub-rule (1) and sub-rule (2) the meetings of any of the committees constituted under sub-section (1) of section 9 shall, as far as may be governed by the rules applicable to the meetings of the Central Board.

[No. Q. 15015/16/74-EPC]

S. CHAUDHURI, Jt. Secy.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/730/75

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 10th April, 1975 is hereby published for general

information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

# The Goa, Daman and Diu Plant Diseases and Pests Bill, 1975

(Bill No. 7 of 1975)

## A BILL

*to prevent the introduction, spread or re-appearance of plant diseases, pests, parasites and noxious weeds.*

Whereas it is expedient to make provision for preventing the introduction, spread or re-appearance of plant diseases, pests, parasites and noxious weeds which are or may be destructive to plants, or are likely to contaminate water supply or are obstructive to waterways in the Union territory of Goa, Daman and Diu, and for matters connected therewith;

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Plant Diseases and Pests Act, 1975.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless the context otherwise requires,

(a) "affected area" means any area declared as such under section 3;

(b) "District Magistrate" includes any Gazetted Officer of Government, authorised by the District Magistrate to perform all or any of the functions of the District Magistrate under this Act;

(c) "Government" means the Government of Goa, Daman and Diu;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 13;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent or any person in actual occupation of the land, water or premises;

(g) "parasite" means any plant or animal carrying on its existence wholly or in part on any agricultural crop, plant, tree, bush or herb and declared to be a parasite under section 3;

(h) "pest" means any insect, invertebrate animal or vertebrate animal (including any other animal organism and declared to be a pest under section 3);

(i) "plant" includes all horticultural or agricultural crops, trees, bushes, or herbs and also in-

cludes the seed, fruit, leaves, trunk, roots, bark or cutting or any part thereof;

(j) "plant disease" means any fungoid, bacterial, virus, vegetable organism, parasitical or other disease, declared to be a plant disease under section 3;

(k) "prescribed" means prescribed by rules made under this Act; and

(l) "village officer" means Gramsevak of the respective circle or Panchayat Secretary of the respective areas.

3. **Power to declare plant diseases, pests, parasites and noxious weeds.**— Where it appears to the Government that any disease, pest, parasite or weed in any area is injurious to plants, or is likely to contaminate water supply or is obstructive to waterways, and that it is necessary to make measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction, spread or re-appearance, the Government may, by notification in the Official Gazette, declare the area to be an affected area for such period as may be specified, and with reference to such area also—

(a) declare that such disease, pest, parasite or weed is a plant disease, pest, parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is likely to be injurious to other plants; and

(d) direct that such other preventive or remedial measures shall be carried out as the District Magistrate may consider necessary to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed.

4. **Power to issue directions.**— (1) On or after the issue of a notification under section 3, the District Magistrate may by notice,—

(i) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are infested or likely to be infested) as the District Magistrate may specify in the notice, to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weeds;

(ii) call upon any male person, not being below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (i), provided that no person—

(a) who is not an occupier shall be called upon to render whole time service for a period exceeding seven days at a time and there shall be an interval of not less than ninety days before any such person is called upon to render whole time service after having already rendered such service, or

(b) who is, by reason of old age, disability or any other reasonable cause, physi-



cally incapable of rendering assistance, or who lives at a distance of more than 5 kms. from the place where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(iii) specify the area within which and the period during which the measures referred to in clause (i) are to be carried out.

(2) It shall not be necessary to notify every occupier under clause (i) of sub-section (1) or every other person whose assistance is required under clause (ii) of the said sub-section, and a proclamation in this behalf made by beat of drum or other customary mode in the area, village or locality shall be deemed sufficient notice to all affected persons residing in that area, village or locality.

**5. Duties of occupier on the issue of notice under section 4.**—On the issue of a notice under section 4,—

(i) it shall be the duty of every occupier within the affected area to carry out the preventive or remedial measures specified in such notice; and

(ii) it shall be the duty of every male person to render assistance in such manner as has been specified in the notice.

**6. Power of Inspecting Officer to enter upon any land or premises.**—Any Inspecting Officer may, after giving reasonable notice to the occupier enter upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant disease, pest, parasite or noxious weed on such land, water or premises;

(ii) whether any prohibition or restriction imposed under clause (b) or clause (c) of section 3 has been complied with;

(iii) whether other preventive or remedial measures specified in clause (i) of sub-section (1) of section 4 have been carried out.

**7. Power to carry out measures.**—(1) If on inspection of any land, water or premises, an Inspecting Officer finds that any prohibition or restriction imposed under clause (b) or clause (c) of section 3 has not been complied with or that the preventive or remedial measures specified under clause (i) of sub-section (1) of section 4 have not been carried out as directed, he may, subject to any general or special order of the District Magistrate and without prejudice to any action that may be taken against the defaulter under section 10, carry out the preventive or remedial measures (including the removal or destruction of plants which are infested or are likely to be infested) imposed under clause (b) or clause (c) of section 3 or specified in the notice under clause (i) of sub-section (1) of section 4, as the case may be.

(2) The cost of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall on demand be recoverable from him as an arrear of land revenue.

**8. Power to carry out measures in emergent situations.**—(1) Notwithstanding anything contained in section 3 to 7, if the Government is satisfied, that plants in any affected area are in danger of being

damaged or destroyed by any plant disease, pest parasite or noxious weed prevalent in that area and that it is necessary to take immediate preventive or remedial measures, it may, by notification in the Official Gazette,—

(a) declare that it shall be competent for the District Magistrate or any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are infested or likely to be infested) as he may deem fit;

(b) direct that every occupier in respect of whose land such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rates and within such time as the District Magistrate may by order from time to time determine having regard to the following, namely;—

(i) the charges to be incurred for labour, material or use of equipment; and

(ii) any other charges to be incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Government, any Inspecting Officer may upon the issue of a notification under sub-section (1) enter upon any land or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.

(3) The Inspecting Officer shall by order in writing, assess the amount payable by an occupier in respect of the preventive or remedial measures or other steps taken under sub-section (2).

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), the amount shall be recoverable from him as an arrear of land revenue.

**9. Appeal.**—(1) Any occupier aggrieved by an order made under sub-section (2) of section 7 may within thirty days from the date of service of the order prefer an appeal to the District Magistrate or such other authority as the Government may specify in that behalf on the ground that the charges for labour, material or use of implements are unreasonably high.

(2) Any occupier aggrieved by an order made under sub-section (3) of section 8 may within thirty days from the date of service of the order prefer an appeal to the District Magistrate or such other authority as the Government may specify in that behalf on the ground,—

(i) that the assessment of the amount payable has not been made in accordance with the rates fixed by the District Magistrate;

(ii) that the amount assessed includes charges other than the items mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 8; or

(iii) that the charges for labour, material or use of equipment are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the District Magistrate or other

authority, as the case may be, shall, after making such enquiry as he may deem fit and giving the occupier an opportunity of being heard, pass such order thereon as he may deem fit.

(4) Every order passed under sub-section (3) shall be final and shall not be called in question in any court of law.

**10. Contravention of directions issued.**— (1) If a person—

(i) acts in contravention of the prohibition of restriction contained in any notification issued under section 3, or

(ii) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 4 or fails to render assistance having been called upon to do so by notice issued under the said sub-section, or

(iii) acts in contravention of the declaration or direction contained in any notification issued under sub-section (1) of section 8; or

(iv) obstructs the entry of any person referred to in section 6 or sub-section (2) of section 8; or

(v) obstructs the carrying out of the preventive or remedial measures, under sub-section (1) of section 7 or sub-section (2) of section 8, shall be deemed to have committed an offence under this Act.

(2) Any person convicted by a Magistrate of an offence specified in sub-section (1) shall be liable to fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days.

(3) If any person convicted of an offence specified under sub-section (1) commits a like offence afterwards, he shall on conviction be punishable with fine not exceeding two hundred and fifty rupees or in default simple imprisonment for a term not exceeding one month.

(4) If a person has been convicted under this section for a contravention of the prohibition or restriction contained in the notification issued under section 3, the plant or soil or manure in respect of which such contravention has been committed may also be forfeited to the Government.

**11. Cognizance of offences.**— No Magistrate shall take cognizance of an offence under this Act except upon a complaint made by an Inspecting Officer.

**12. Obligation of village officers to report plant diseases, pests, etc.**— All village officers and such other officers as may be prescribed of the village adjoining an affected area shall forthwith report the existence within the village of any plant disease, pest, parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the District Magistrate who shall, after making such enquiry as he may deem fit, make a further report to the Government.

**13. Appointment of Inspecting Officers.**— The Government may, by notification in the Official Gazette, appoint Inspecting Officers for such local areas as may be specified in the notification.

**14. Bar to suits or other legal proceedings.**— No suit, prosecution or other legal proceedings shall lie against the Government or any officer in respect of anything done or intended to be done in good faith under this Act, or for any damage caused by any action taken in good faith in carrying out the provisions of this Act.

**15. Delegation of powers.**— The Government may, by notification in the Official Gazette, delegate to any Officer or authority all or any of the powers conferred on it under this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

**16. Requisitioning of vehicles.**— (1) Where any affected area in which locusts have been declared as pest under section 3, is infested or is in danger of being infested by locusts, the District Magistrate may, with a view to facilitating preventive or remedial measures or other steps against locusts, by orders in writing requisition any vehicle and make such other orders as may appear to him to be necessary or expedient in connection with such requisition.

(2) Every order made under sub-section (1) shall be served on such persons and enforced in such manner as may be prescribed.

(3) Any vehicle requisitioned under this section may be used or dealt with in such manner as may appear to the officer requisitioning the vehicle to be necessary or expedient.

(4) If the owner of the vehicle in respect of which an order of requisition has been made, does not place the vehicle at the disposal of the officer or authority mentioned therein, such officer or authority may, without prejudice to any other action that may be taken under the Act or the Rules, seize the vehicle from any person who for the time being may be in custody of it.

(5) No person shall remove or allow to be removed any part of a vehicle (including tyre, tube or any other accessory) in respect of which an order of requisition has been made or in any way damage it or permit it to be damaged so as to reduce the value or utility of such vehicle.

(6) When any vehicle is requisitioned under this section there shall be paid to the owner such compensation as may be agreed upon between him and the officer requisitioning the vehicle and in the absence of any such agreement, such compensation as the District Magistrate may fix, having due regard for the type and condition of the vehicle at the time of requisition and the loss caused to the owner.

(7) The manner in which the compensation shall be assessed and the manner in which the order or compensation shall be served, the time within which and the persons to whom it shall be paid and the other matters relating thereto shall be such as may be prescribed.

(8) Any person aggrieved by an order fixing compensation under sub-section (6), may appeal against the same to such authority and within such time as may be prescribed.

(9) Any vehicle requisitioned under this section may at any time be released from such requisition

by the District Magistrate passing an appropriate order to that effect.

(10) When an order of derequisitioning is made, notice of the same shall be given to the person to whom the vehicle is to be returned and if he cannot be found and has no local agent or other person empowered to accept delivery of the vehicle on his behalf, such notice shall be given by publishing the order in the Official Gazette. After service of the notice personally or by publication as aforesaid, the vehicle specified therein shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the Government shall not be liable for any compensation or other claims in respect of any such vehicle for any period after the said date.

**17. Power to make rules.** — (1) The Government may, after previous publication make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the manner in which any notice or order issued or made under this Act is to be served or the conditions under which every such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 9 shall be filed;

(c) the class of officers who are bound to make a report as required under section 12; and

(d) all other matters expressly required or allowed by this Act to be prescribed.

(3) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before Legislative Assembly while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall

be without prejudice to the validity of anything done under that rule.

#### Statement of Objects and Reasons

The Bill seeks to safeguard the crops against attack of pests and more so in cases of epidemics which may occur in times of abnormal weather conditions. The introduction of the Bill has been necessitated in view of the fact that most of the cultivators are, at present, in the habit of protecting crops not as a preventive measure but as a curative one i.e. striving to operate the spraying schedule only when incidence has crept in, rendering thereby difficult any economic move to avoid the menace.

With the above measure, therefore, it is expected to materialize an increase in production to the tune of at least 5% which otherwise would have been subject to loss.

#### Financial Memorandum

No financial implications on staff or material will be required for implementing the measures proposed in the Bill.

#### Memorandum on Delegated Legislation

Clause 17 of the Bill empowers the Government to frame Rules for carrying out the purposes of the Act. This delegation is of normal character.

A. K. S. USGAONKAR  
Minister for Agriculture

Panaji,  
14th March, 1975

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu

Assembly Hall,  
Panaji, 29th March, 1975

Administrator's recommendation under Section 23 of the Government of Union Territories Act, 1963.

In pursuance of sub-section (3) of Section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Plant Diseases and Pests Bill, 1975.